

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 172 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Nos. 1 to 5 No.

UDAYBHAN MUNIB YADAV

Versus

NK ENGINEERS

Appearance:

MR NR SHAHANI for Petitioner

MR.K.D.GANDHI FOR NANAVATI ASSOCIATES for the Respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 04/07/96

ORAL JUDGEMENT

Rule.Mr.Gandhi waives service of the Rule. On the request of both the parties the matter is taken up for final disposal.

Both the petitioners viz. Udaybhan Munib Yadav and Darwansingh Sejorsingh Patel who are duly identified by Mr.N.R.Shahani and Mr.Nikhilbhai Chokshi one of the

partners of the respondent who is duly identified by Mr.Gandhi are present in the Court.

Mr.Shahani and Mr.Gandhi have jointly submitted that the parties have arrived at the settlement and with the consent of both the sides the Award may be modified in the following terms :

[1] Should the respondent pay a total sum of Rs. 75,000/- to the petitioner No.1 namely Udaybhan Munib Yadav in three instalments of Rs.25,000/each on 15.7.1996, 15.8.1996 and 1.10.1996 all the claims of the petitioner No.1 arising from the Award including Gratuity, Provident Fund etc. and claims other than the Award if any shall stand satisfied and the impugned award shall stand modified accordingly.

[2] Should the respondent pay a sum of Rs.10,000/- to the petitioner No.2 namely Darwansingh Sejorsingh Patel on or before 15.7.1996 all his claims arising from the Award including Gratuity, Provident Fund etc. and claiming other than the award, if any, shall stand satisfied. Because the petitioner No.2 had already been taken in service way back in 1988 and he continues in the service of the respondent the impugned award dated 24.4.1995 rendered by the Labour Court, Ahmedabad in Reference (LCA) No.710 of 1990 (old Reference No. 2142/83) shall stand modified accordingly.

This Special Civil Application is therefore decided in the terms as aforesaid and hence forth the aforesaid agreed terms shall govern the rights, interest and obligations of the parties in respect of the impugned award. This Special Civil Application is thus partly allowed. Rule is made absolute accordingly. No order as to costs.
